

J. Russell Farrar  
William N. Bates  
Kristin Ellis Berexa  
Teresa Reall Ricks  
Molly R. Cripps  
Mary Byrd Ferrara\*  
Robyn Beale Williams  
Jennifer Orr Locklin  
Keith F. Blue  
Christopher J. Larkin\*\*

\*Also licensed in KY  
\*\*Also licensed in AL

LAW OFFICES  
FARRAR & BATES, L.L.P.  
211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219  
Telephone 615-254-3060  
Facsimile 615-254-9835  
E-Mail fblaw@farrar-bates.com

RECEIVED  
Of Counsel

2005 MAR -3 H. LaDon Baltimore

T.R.A. DOCKET ROOM

March 3, 2005

Honorable Pat Miller, Chairman  
Tennessee Regulatory Authority  
ATTN: Sharla Dillon, Dockets  
460 James Robertson Parkway  
Nashville, TN 37243-5015

**Via Hand Delivery**

Re Petition to Establish Generic Docket to Consider Amendments to Interconnection  
Agreements Resulting From Changes of Law, Docket No. 04-00381

Dear Sharla,

Enclosed please find the original and 13 copies of a letter notifying the TRA of XO's  
support of the Joint Petitioners' Motion for Emergency Relief in the above-referenced matter.  
Thank you for your assistance. If you have questions, please do not hesitate to contact me.

Sincerely,



H. LaDon Baltimore  
Counsel for XO Communications Services, Inc.

LDB/dcg  
Enclosures  
cc Parties of Record  
Dana Shaffer, Esq.

LAW OFFICES

FARRAR & BATES, L.L.P.

J. Russell Farrar  
William N. Bates  
Kristin Ellis Berexa  
Teresa Reall Ricks  
Molly R. Cripps  
Mary Byrd Ferrara\*  
Robyn Beale Williams  
Jennifer Orr Locklin  
Keith F. Blue  
Christopher J. Larkin\*\*

211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219

Telephone 615-254-3060  
Facsimile 615-254-9835  
E-Mail fblaw@farrar-bates.com

Of Counsel

H. LaDon Baltimore

\*Also licensed in KY

\*\*Also licensed in AL

March 3, 2005

Director Deborah T. Tate  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-5015

Re Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting From Changes of Law; Docket No. 04-00381

Dear Director Tate:

On behalf of XO Communications Services, Inc.<sup>1</sup> ("XO"), this letter to you as Hearing Officer is to notify the Tennessee Regulatory Authority ("TRA") and parties that XO supports the Joint Petitioners' Motion for Emergency Relief filed in the above-referenced docket on February 25, 2005. XO does not adopt all of the legal arguments of the Joint Petitioners' Motion verbatim; but XO supports the need for emergency relief to prevent BellSouth Telecommunications, Inc. ("BellSouth") from disrupting the availability of competitive options to consumers by taking unwarranted unilateral action to stop processing CLEC orders for service.

XO asserts that BellSouth's Carrier Notification of February 11, 2005, is a baseless attempt to breach and/or unilaterally amend XO's existing interconnection agreement with BellSouth. The Federal Communication Commission's ("FCC") *Triennial Review Remand Order* ("TRRO") does not allow for the unilateral action BellSouth proposes. Such action would also contravene the FCC's express directive that the TRRO is to be effectuated by the Section 252 process, and would cause irreparable harm to XO and to other CLECs and will harm Tennessee Consumers. Granting the emergency relief sought by Joint Petitioners poses no threat of irreparable harm to BellSouth, as implementation of the FCC's unbundling rules will properly include a true-up to March 11, 2005. Denial of service, on the other hand, causes harm that cannot be addressed at a later date or by a true-up. BellSouth should not be permitted to breach the existing interconnection between XO and BellSouth. Immediate action should be taken, since BellSouth stated in its February 11, 2005 Carrier Notification that it will deny service orders beginning March 11, 2005.

---

<sup>1</sup>On December 31, 2004, XO Tennessee, Inc. completed an internal reorganization whereby XO Tennessee, Inc. was merged with and into XO Communications Services, Inc. XO Communications Services, Inc. was the surviving entity after the completion of the reorganization transaction. The Tennessee Regulatory Authority has approved this reorganization transaction.

Director Deborah T. Tate  
March 3, 2005  
Page 2

Therefore, XO respectfully requests that the motions on this issue be considered at the March 8, 2005 status conference.



H. LaDon Baltimore  
Farrar & Bates, L.L.P.  
211 Seventh Avenue North  
Suite 420  
Nashville, TN 37219  
(615) 254-3060 (p)  
(615) 254-9835 (f)  
don.baltimore@farrar-bates.com  
*Counsel for XO Communications Services, Inc*

LDB/dcg  
cc. Dana Shaffer, Esq

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, overnight delivery, electronic transmission, or facsimile transmission to the following, this 3<sup>rd</sup> day of March, 2005.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201

James L. Murphy III, Esq  
Boult, Cummings, et al.  
1600 Division Street, Suite 700  
P. O. Box 340025  
Nashville, TN 37203

Henry Walker, Esq.  
Boult, Cummings, et al.  
1600 Division Street, Suite 700  
P. O. Box 340025  
Nashville, TN 37203

Edward Phillips, Esq.  
Sprint  
NCWKFR0313  
14111 Capital Blvd.  
Wake Forest, NC 27587

Director Deborah T. Tate  
March 3, 2005  
Page 3

Chuck Welch, Esq.  
Farris, Mathews, Branan, Bobango, Hellen & Dunlap  
618 Church Street, Suite 300  
Nashville, TN 37219

John J. Heitmann, Esq.  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W., Fifth Floor  
Washington, D.C. 20036

  
H. LaDon Baltimore